

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

BOSE CORPORATION V SDI TECHNOLOGIES, INC, 2013-1347

**Unopposed Motion for an Extension of Time to File
Principal Brief of Plaintiff-Appellant**

Pursuant to Rule 26(b) of the Federal Rules of Appellate Procedure and Federal Circuit Rule 26(b), Plaintiff-Appellant Bose Corporation respectfully requests an extension of time to file its principal brief. Currently, Plaintiff-Appellant's opening blue brief is due on June 24, 2013. It seeks a three (3) week extension of time through and including July 15, 2013. This is Plaintiff-Appellant's first request for an extension.

1. The requested 21-day extension is necessary to fully prepare the principal brief and because of counsel's responsibilities in other matters. As set forth in the attached declaration, Plaintiff-Appellant's counsel is involved in other matters before federal courts, including *Bose Corp. v. SDI Technologies, Inc.*, No. 1:13-cv-10277-WGY (D. Mass.), *Smith & Nephew, Inc. v. Arthrex, Inc.*, No. 04-00029-MO (D. Oregon), and *Smith & Nephew, Inc. v. Arthrex, Inc.*, No. 04-000714-MO (D. Oregon). Plaintiff-Appellant's counsel is also involved in court matters abroad, including a patent matter before Provisions Judge van Walderveen of the District Court of The Hague, *Rhodia Chimie v. PPG Chemicals B.V.*, case number/application number C/09/424566 / HA RK 12-432 and a patent revocation

matter also pending in the District Court of The Hague, *PPG Industries, Inc. v. Rhodia Chimie*, application number KG RK 12-2360.

2. In addition, a shorter 14-day extension would require finalizing the brief over the Fourth of July Holiday during which counsel has pre-existing vacation plans. This is another reason why a 21-day extension is sought.

3. Opposing counsel was contacted by email, and on behalf of all Defendants-Appellees, Aaron Moore, counsel for Defendant-Appellee SDI Technologies, Inc., indicated that Defendants-Appellees do not oppose this motion.

For the foregoing reasons, Bose Corporation respectfully requests that the Court extend the deadline for the filing of its principal brief to and including Monday, July 15, 2013.

Dated: June 14, 2013

/s/ Jolynn M. Lussier

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Attorneys for Plaintiff-Appellant

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CERTIFICATE OF SERVICE

I certify that on June 14, 2013, a true and correct copy of the foregoing Unopposed Motion for an Extension of Time to File Principal Brief of Plaintiff-Appellant was electronically filed with the Clerk of this Court using the CM/ECF System, and a copy was also sent electronically via the court's CM/ECF system to counsel for Defendants-Appellees SDI Technologies, Inc., Imation Corp., Memorex Products, Inc., and DPI, Inc.:

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I also certify that a true and correct copy was sent via first class mail, postage prepaid, on counsel of record in the district court case for Defendant-Appellee 3XM:

Dale A. Malone
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79 Forest Avenue
Cohasset, MA 02025

/s/ Jolynn M. Lussier
Jolynn M. Lussier